

## **MEDINA CITY COUNCIL MEETING MINUTES OF JUNE 15, 2004**

The City Council of Medina, Minnesota met in regular session on June 15, 2004 at 7:30 p.m. in the City Hall Chambers. Mayor Zietlow presided.

### **I. ROLL CALL**

**Members present:** Workman (arrived at 7:34 p.m.), Brinkman, Lane, Zietlow, and Smith.

**Members absent:** None.

**Also present:** City Attorney Ron Batty, Public Works Director Jim Dillman, City Engineer Tom Kellogg, City Administrator Chad Adams, City Planner John Doty, and Recording Secretary Carla Wirth.

### **II. PLEDGE OF ALLEGIANCE**

### **III. ADDITIONS TO THE AGENDA**

Adams added Item VI D, Approve Gambling (Raffle) Permit for Uptown Hamel Association event at Provenance Gallery on Sunday, July 11, 2004.

*Moved by Smith, seconded by Brinkman, to approve the agenda as amended. **Motion passed unanimously.***

### **IV. APPROVAL OF MINUTES**

#### **A. Approval of the June 1, 2004 Special City Council Meeting Minutes**

Smith requested a change to page 1, second paragraph, "formally adopt and recognized the new ROW..."

*Moved by Smith, seconded by Lane, to approve the June 1, 2004 Special City Council meeting minutes as amended. **Motion passed unanimously.***

Workman arrived at 7:34 p.m.

#### **B. Approval of the June 1, 2004 Regular City Council Meeting Minutes**

Zietlow requested a change to page 3, 3<sup>rd</sup> paragraph, "...would be discussing sand traps box..."

Elizabeth Weir requested a change to page 4, 11<sup>th</sup> paragraph, "...didn't hold an public hearing open Uptown Hamel Committee meeting for the public."

Smith requested a change to page 7, 4<sup>th</sup> paragraph, "...Council consider endorsing a ~~maximum~~ minimum percentage of retail."

*Moved by Smith, seconded by Workman, to approve the June 1, 2004 Regular City Council meeting minutes as amended. **Motion passed unanimously.***

### **V. PRESENTATION**

**A. 2003 Audit Report – Kern, Dewenter & Viere**

Brian Bloch, Kern Dewenter & Viere presented the City's annual audited statements and auditor's report for 2003. He stated that all of the information in the financial statements belongs to the City with the exception of the independent auditor's report, which provides their independent opinion of the financial statements.

Bloch cited page 10, total revenues in the general fund, noting that licenses and permits are high because of higher building activity, building permits and charges for services. Also, planning and zoning and SAC fees were higher than anticipated.

Bloch presented the management letter and graph depicting the City's tax levy and tax capacity. He explained this graph shows that in 2001 to 2002 the tax capacity dropped quite a bit as a result of Legislative changes. At the same time, the State eliminated HACA and, as a result in 2002, HACA is included in the tax levy. That is the reason for a 5.54% increase.

Smith stated she finds the bar chart to be misleading because of the grid measurement. Bloch stated it is just the numbers, two sets of numbers, tax capacity and tax levy. He explained it shows the impact of when the State Legislature made the changes. He agreed that the graph can be a bit misleading but they do it this way every year and the same way for all cities. Smith doubted that someone, at first glance, would be able to understand this chart. Bloch stated if the chart is read correctly, the conclusion would not be reached that the City over spent. Brinkman asked Bloch to show the chart differently next year, perhaps as two charts.

Bloch reviewed the general fund balance, expenditures, and pie charts showing the general fund by source. He explained that total revenues increased in 2003 and taxes represented 53% in 2002 but actually decreased in 2003. He reviewed the charges for services and explained the SAC rates and building activity was an impact.

Bloch presented a pie chart showing general fund expenditures by departments and explained the impact for each and breakdown on the following pages. He presented the operating revenues and operating expenditures of the water fund. He stated this fund is doing relatively well, however, there are some projects anticipated in the future.

Bloch reviewed a graph showing the operating revenues, expenses and depreciation for the sewer fund, noting revenues have exceeded expenditures for past three years. Bloch then presented and explained a chart depicting the two debt service funds.

Bloch stated their letter makes comments on the lack of segregation of accounting duties and that the City does not maintain historical fixed asset records.

Lane commented on the licensing, permits, and inspection fees and noted there is a lot of talk in the Legislature and by builders and developers about those costs. He asked if Medina is out of line or typical of other cities in the development path. Bloch stated most building permit fees are passed through and he does not think the fee Medina gets is as high as what other cities get. Adams stated that other cities may have adopted a more recent Building Code, which has a higher fee schedule. Bloch agreed that other cities have adopted more recent Building Codes that have a higher schedule of fees. A brief discussion occurred on the police department and fire department budgets.

*Moved by Workman, seconded by Smith, to accept the 2003 Audit Report as presented. Motion passed unanimously.*

**VI. CONSENT AGENDA**

- A. **Resolution Granting Conditional Use Permit for Salt Storage Structure – City of Medina, 2052 County Road 24**
- B. **Approve Donation from Bonestroo, Rosene, Anderlik & Associates to City Park Fund**
- C. **Approve Gambling (raffle) permit for Church of St. Anne's event at Church of St. Anne's in Hamel area on Saturday, August 21, 2004 and Sunday, August 22, 2004**
- D. **Approve Gambling (Raffle) Permit for Uptown Hamel Association event at Provenance Gallery on Sunday, July 11, 2004**

In response to Lane, Adams reviewed permit request from Uptown Hamel Association.

*Moved by Smith, seconded by Workman, to approve the consent agenda. Motion passed unanimously.*

**VII. COMMENTS**

**A. Comments from Citizens on Items Not on the Agenda**

There were none.

**B. Park Commission**

Doty stated at their next meeting, the Park Commission will discuss the 2005 budget and capital improvements including prioritizing items discussed at the recent park tour. He stated they will also have a status report on the regional trail meeting, discuss the play structure for Independence Beach Park, and the boat ramp.

**C. Planning Commission**

Doty stated at their next meeting the Planning Commission will consider a variance in Independence Beach, the Keller Subdivision, and may also have two commercial applications. He stated they will also consider a Zoning Ordinance amendment to change the concept plan review process to require a cap on two concept plan reviews. Doty stated the Planning Commission will have a public hearing to reduce membership from nine to seven and vote on the Chair and Vice Chair.

Doty advised that he counted the number of applications for the August meeting and if all come in, there could be up to ten major developments, all wanting to be heard at the August meeting. He stated that may be unrealistic to consider in one meeting so a second meeting may be scheduled for August.

Brinkman asked what is application deadline. Doty stated it is one month prior to meeting date. Smith suggested that total number of agenda items be established. Batty stated that can be done but does not change 60 day time consideration so if application gets bumped, it may invoke second 60 day consideration, making it 120 days.

Smith noted that holding a second Planning Commission meeting would require staff to work very long weeks. She stated she understands the urgency for projects to get on the agenda, but is concerned about staff and asked if additional support for staff should

be considered. Smith stated her concern is that something will get missed if there is not adequate time for review. Adams pointed out that applications are not yet submitted and staff will be able to gauge whether they can handle it once applications are received.

## **VIII. PUBLIC HEARINGS**

### **A. Water Treatment Plant – Hamel Water System**

Adams provided a brief presentation, noting the purpose of the public hearing is to provide updated information for the Council's consideration. He noted that staff had presented an alternative water rate analysis for a 2.0 mgd (million gallons per day) conventional gravity filter plant. The purpose is to also receive public comment on a water treatment plant for the Hamel Water System, the costs of which will be attributed to users and new connections.

Adams reviewed the conventional treatment plant options evaluated by staff. He displayed pictures of exterior designs that have been used by several other cities. He noted water connection charge would have to increase 50% in 2005, 10% in 2006, and 5% thereafter for 20 years under this financial analysis example. Adams then presented water user rates based on current growth and alternate growth. He advised that in 2013, the monthly residential bill under current growth scenario would be \$37.48/month and under alternate growth scenario it would be \$33.26/month. In 2004, the rate is \$18.34.

Adams stated a question to be answered is who should pay for this. He stated the options are the users, new development (connection charges), revenue bonds, fund reserves, and the drinking water revolving fund.

Adams stated staff is requesting general feedback from the Council and public on what they can handle for water user rates and philosophy of who should be paying. Staff recommends the Council order the feasibility report, which would address the different types of plants and sizes of wells. That report would be available in six to eight weeks. Upon completion of the report, discussion will occur on the preferred design of the facility as well as the desired approach to finance the facility. The feasibility report is estimated to cost \$15,000 and would be funded from the water capital improvement fund. Adams advised that it will take 12-16 months to construct the facility.

Zietlow opened the public hearing at 8:19 p.m.

Marilyn Larson, 435 Hackamore Road, asked if all commercial sewer and water usage is read quarterly. Dillman stated that is correct for both residential and commercial.

Jeff Barton, 2845 Lakeshore Avenue, stated he is in the business of working with water facilities and would like the feasibility study to also consider life cycle costs. He stated too often the City is "pickled" by the low dollar. He requested conventional and other issues like life cycle costs be considered in the plant rather than just the "build today" and "operate today" costs. He advised that selection of technical equipment can greatly influence the costs over the life of the facility. Barton noted that Medina is a fast growing community and he would like to see a quality facility constructed. He stated when the consultant works with Medina, they need to listen to everything the City says, how the water is used, the growth, and history of how water has been used. He stated that too often plants are built that are out of date by the time they are constructed. He stated he is happy to share further if the Council has questions.

Lane asked who specs this type of facility. Kellogg stated Bonestroo would prepare plans and specifications if Council determines to move forward. He stated issues raised by Barton will be part of specifications, listing equipment and machinery.

Smith asked how life cycle costs of operating are included. Kellogg introduced Chris Larson with Bonestroo, Rosene, Anderlik & Associates, who had more technical information on process. Larson stated he agrees with points made by Barton and importance of considering long-term use of the plant and that often times trying to reduce initial costs may actually increase life cycle costs. He stated he likes to think they consider the best interest of City and what City wants. Larson stated they spec equipment and go with typical filter companies but this project will also be examined by another company. He stated they are open to those ideas and spec quality products.

Smith asked if the question is raised about what it will cost to run the facility. Larson stated they can give estimates on those costs but the specs identify how to construct the facility and products to use. He stated they can provide information to the City on operation costs, equipment costs, and electrical costs. Adams stated that the size of the facility and type of system selected will also be a factor. He stated Bonestroo staff and Ehlers have also met to coordinate cost and funding projections.

Smith stated Dakota County has a progressive department that builds their new buildings and those County Commissioners are convinced that sometimes it is better to spend more money now because it will save money in the long run. She stated her support to consider sustainable building techniques that are readily available.

Pat Meyers, 3461 Elm Creek Drive, asked what the water consumer can do that may be a good fail/safe in the meantime, until this facility is built. She stated that radon is a big concern with small children. Larson asked if they have a water softener and explained it removes about 95% of the radium, which is the contaminant of concern.

Meyers asked about effectiveness of carbon filters. Larson explained they will take out organic issues and, perhaps, radium. Dillman urged residents to call City staff to get telephone number (651-296-6300) of Minnesota Department of Health regarding radium.

Barton asked if City of Loretto water needs will be addressed. Zietlow stated there are no definite plans at this time. Adams stated a formal analysis on the rates, to incorporate Loretto's needs may not be done, but a water demand analysis was done.

Barton asked about the high rate of water usage per month for Independence Beach. Dillman stated the capacity of wells in that area is good.

Pam Hlavacek, 135 Prairie Creek Road, asked about the testing of radon versus radium. Dillman stated radon has been tested and reviewed the testing data.

Zietlow noted this facility example will double water rates in the next 10 to 15 years, yet he has not heard any objections. Lane asked for a show of hands for those who would not object to that type of rate increase to construct the proposed facility. He noted that ten in attendance had raised their hands.

Workman stated rates could double over the next ten years and asked whether that is acceptable to meet the higher water quality standards. Most of those in attendance indicated that is not a concern.

Barton asked if that is a normal type of increase to construct this type of facility. Kellogg stated it can vary, noting Medina is unique in having its development stretched along the highway corridor. Kellogg noted that areas of more dense development would have a lower rate increase. Adams stated that staff has reviewed rates of area communities. He noted that Medina has not increased the water rates over several years, as they should have, so there is a little catching up that needs to occur.

Smith stated her concern is spending money to treat water and then have people use it for sprinkling their lawn. Smith stated she believes Medina needs to look at water usage into the future and teach residents how to conserve water.

Dillman stated several years ago water rates were increased by usage. Smith stated water can be metered for underground sprinkling systems and she thinks the City should look at that to assure preservation. Dillman explained that it is difficult to find a good water supply in Medina and most contractors feel the same as Smith. Dillman noted that the *Consumer Confidence Report* contains an article about water conservation.

Dillman noted that City needs to sell enough water to cover cost of bonds. He reviewed the gallons of water that are consumed and estimated costs to provide that water, noting producing 600,000 gallons of water is not too much more costly than to produce 300,000 gallons. Meyers commented on recent articles about water problems in California the importance of water conservation to assure similar calamities do not occur in Medina.

*Moved by Lane, seconded by Brinkman, to close the public hearing at 8:47 p.m. **Motion passed unanimously.***

In response to Brinkman, Kellogg reviewed the types of analysis undertaken when the feasibility report is conducted. Dillman stated that a reverse osmosis system may also be considered. Kellogg stated that a feasibility study will take all of the options into consideration rather than considering the data in a piecemeal fashion.

Brinkman asked what the cost is to design the facility. Larson stated if the cost is for a \$3 million plant, typically the design cost is 5-6%, or about \$180,000. Kellogg stated it will also depend on the exterior treatment and what is included in the facility, such as a bathroom. Brinkman noted that a lot of the details are already known and asked if it can be done on a time and material basis. Kellogg stated that is how it will be done and he thinks additional staff time will be minimal. Brinkman stated he is interested in containing costs. Kellogg stated that is understood but, on the other hand, adequate information is needed by the Council to make a good decision.

Workman asked if the plant could be smaller if there is larger water tower capacity. Dillman stated in that case the storage would have to be huge. Workman noted if it goes from a 2 million gallon to a 3 million gallon plant, the scale would come down. Kellogg agreed that will play into the initial design consideration.

*Moved by Smith, seconded by Workman, to direct Bonestroo to conduct feasibility report that would address conventional treatment plant options, not to exceed a cost of*

*\$15,000, to be funded from water capital improvement fund. **Motion passed unanimously.***

Adams stated staff will continue to proceed with land acquisition discussion. The Council concurred.

**B. Liquor License Fees**

Adams explained the purpose of the public hearing is to receive public comment on the proposed liquor license fees. He noted the draft ordinance lists the fees. The changes in the Class A, B, and C licenses were actually informally adopted in November 2001 but never implemented. Adams reviewed previous research from past meetings and provided the Council with the square footage areas of use from each establishment. He reviewed the square footages, categories, and advised that outside areas are considered at one-half of the actual size.

Zietlow opened the public hearing at 8:59 p.m.

Workman stated this issue has been discussed quite a bit and noted this is in line with other cities. He stated his support for approval.

Smith stated she thinks the class should be changed because it does not reflect reality in Medina. She noted one business in Medina is substantially larger as well as the usage, which she believes should be the top category and then ratcheted down. She stated she does not think this is fair.

Brinkman reviewed the number of police calls to several facilities, pointing out that the fee is not much different. Zietlow asked if an additional classification should be added to address the bigger use. Brinkman agreed that would be more fair.

Workman pointed out that the higher use may also have invested much more money into their business to build it. He stated this is not like an income tax system where the more you make or the bigger you are, the more you should pay.

Zietlow noted the larger establishment also pays more taxes, which covers the cost for more services. Workman noted that police calls also includes medical calls, lost car keys, etc., and are not just alcohol-related calls.

Smith stated she would like to base fee on number of calls made. Workman stated if that is case, then people may be reluctant to call when help is needed. Smith stated if fee is broken down by class, then she thinks it should be based on the number of calls.

Adams stated the consideration is to approve the liquor license schedule, or to make a modification, and to hold a public hearing. Workman stated he supports what is in place and does not feel it is appropriate to charge based on size. He asked if most cities have fee structures based on size. Batty stated the cities he has looked at are not based on square footage. Brinkman stated he thinks the City has tried to be reasonable and does not think a difference of \$1,000 is enough. He stated he thinks the higher fee should be higher, or the rest lowered because the size of the facility should make a difference.

*Moved by Lane, seconded by Smith, to close the public hearing at 9:12 p.m. **Motion passed unanimously.***

*Moved by Lane, seconded by Workman, to adopt Ordinance No. 367 Amending City's Fee Schedule Ordinance. Motion passed 3 ayes, 2 nays (Brinkman and Smith).*

*Moved by Lane, seconded by Workman, to approve the liquor licenses as presented by staff. Motion passed unanimously.*

Smith asked when a modification should be raised. Zietlow suggested that could occur during budget discussions. Smith stated she and Brinkman will talk with Adams about some logical options.

## **IX. OLD BUSINESS**

### **A. Ordinance Amending Medina City Code Section 834 – Uptown Hamel**

Doty explained the City is requesting Zoning Ordinance Text amendments to allow changes to the Uptown Hamel PUD Zoning District. He noted this was tabled at the last meeting pending staff to research wall signage, time and temperature signage, and a definition to be added with respect to rain gardens. He stated Council also wanted staff to resolve the issue of fire protection, which will be discussed as the next agenda item. Doty stated staff found a rain garden definition in an article published by the *Minnesota Conservation Volunteer* and explained that adding the definition in zoning code would require a public hearing at the Planning Commission. Staff proposes an alternative to add the definition in parentheses to the specific areas that would encourage rain gardens. Currently that encouragement would appear only in Uptown Hamel Ordinance.

Doty presented staff's research on wall signage and described current allowable wall signage for zoning districts and what Uptown Hamel Ordinance would allow. Doty pointed out that Farmer's State Bank has a PUD approval so more wall signage was allowed. The hardware would be allowed 8% signage and is currently at that maximum.

Doty stated based on its research, staff recommends the chart for wall signage remain the same as in the existing ordinance, adding the porch signage discussed at the last meeting, and to change the wall area from eight percent to ten percent based on the desire to allow signage for multiple businesses on storefronts.

Doty stated staff researched time and/or temperature signage and a number of ordinances, including Wayzata.

Doty stated staff recommends approval of the Uptown Hamel Ordinance with the changes outlined in his staff report. He stated they will bring the proposed change to building height at the next Council meeting and noted the Uptown Hamel Design Guidelines will also need to be considered.

Zietlow stated another issue discussed related to density with the new setbacks. Doty agreed there was a lot of discussion on that issue and staff did some research. He displayed a map of Uptown Hamel area and addressing high density multifamily in this area. He used the Uptown Hamel Guide Plan as a reference. He stated overall density would be a total of 440 units if developed at high and medium densities, which equals 1,319 residents. Doty noted square footages he used to calculate those numbers.

Zietlow asked how density can be controlled. Doty stated control under the current and proposed ordinance is through the Guide Plan. He stated there isn't a lot of control under either ordinance and the best way is to develop Comprehensive Plan amendments or separate zoning districts to control use. Adams stated staff can show applicants what the Guide Plan is and if only medium or high-density projects are being proposed, then the City may want to move forward with an amendment. Doty agreed.

Smith asked about her suggestion to require a minimum amount of retail or office, some type of business or mixed use in the building. Adams noted it would then have to be required for every project, or subdistricts would have to be created. Smith pointed out that some wanted to have a business in their homes. Doty stated there is always an option to look at if number of square footage per unit can be raised, which would reduce density but also affordability.

Workman asked if the ordinance can be adopted and then the square footage changed if, in several years, the Council believes there is enough high density. Batty stated that can be done but if changed through the entire spectrum, non-conformities would be created. He noted that rezoning could create two Uptown Hamel districts, one created in 2004 with higher density, and the second one created later. Workman stated he does not think a lot of high-density units will be developed or that all the businesses will be pushed out, noting that higher density may help some of the businesses.

Zietlow stated the Council wants the best possible end product. Batty pointed out that the new ordinance actually provides more flexibility than the old ordinance. He stated this was discussed at the last meeting, in length, when the creation of subdistricts was addressed. Zietlow stated if development does not occur as the Council desires, then subdistricts can be created to address that issue.

Smith stated the Council's vision for that area is mixed use and senior housing, which is occurring. She stated it has changed her position because the PUD did not contain flexibility. Workman stated his support to approve the ordinance, let it go for one year, and then see what happens.

Smith stated she hopes bank looks at this and changes their sign because she thinks sign that was approved is too large. Lane asked if the City is locked into that decision since the bank submitted a plan that was flawed in some respect. Doty stated the plan presented was not to scale. Lane stated that the Council acted on it but the flaw was not noted. Workman stated it was not intentional and he would not want to challenge it at this point. Lane stated he was not on the Council when the Holiday Station signage was approved and the bank sign may be similar but if an honest mistake was made, he does not know why the City can't "unwind it." Adams stated staff will look into that issue.

Lane stated his concern about the eclectic quality of the three signs on the bank, noting that no two have the same appearance or design. He stated his support for a standard in the Sign Ordinance to assure a similar appearance and like standard for signs on the same building. Smith stated the bank sign would not have been approved if the actual size had been known.

Brinkman stated in talking with people at the bank and the architect, is it possible that some signage should be a different percentage to create the correct appearance and uniformity. He noted that in some cases 12 percent may have a better appearance

depending on the color of the sign and style of lettering. Lane noted if the bank had ten different types of signs, colors, or styles, it would not look good. Smith explained how a sign is "counted" and noted the Holiday Store has light panels that are lit and contain a logo. She stated she thinks that should be considered a sign, but it is not counted. Doty commented that an awning is not counted but if it contains lettering on the bottom panel, then just that lettered panel is counted towards the signage.

Batty stated this is a very complex issue and he remembers when the Holiday sign came up. He stated he views signage in several areas and wrote a memorandum regarding corporate branding with lighting and signage.

Brinkman stated he thinks better sign standards need to be written into this ordinance. Batty stated a design review process can be created and discretion allowed; however, bounds are also needed. Planning Commission Chair Liz Weir asked if the word "traditional" can be used to require "traditional signs" to give some sense of continuity. Workman asked what a definition would be of "traditional." Brinkman stated he thinks a better definition for the Uptown Hamel area is needed before this ordinance is considered. Workman stated he thinks this ordinance needs to be adopted and an amendment worked on.

Brinkman asked what will happen when coffee shops and other businesses go in across the street and then a White Castle wants to light up their entire building. Workman stated some corporations have specific building design styles but only a 100 square foot sign is allowed. Zietlow pointed out that the ordinance already requires the signs to be consistent. Smith stated the City needs to enforce that requirement. Doty noted that the bank presented a drawing for four rectangle-shaped signs, noting all are similar in shape, which is consistent.

*Moved by Smith, seconded by Brinkman, to adopt Ordinance No. 368 Zoning Ordinance Amendments to Section 834, Uptown Hamel Zoning District, as presented and subject to the new recommendations listed in the staff report dated June 15, 2004. **Motion passed unanimously.***

Brinkman asked that the amendments be started immediately. Zietlow referenced the bank concern and stated if a 60 square foot sign was presented and approved, then it should be 60 square feet. Batty questioned what was intended to be approved and that needs to be discussed. Lane agreed it was a mutual mistake and not intentional. Workman stated the other consideration is the ordinance that was in effect at the time the sign was considered. Zietlow stated that is an issue that needs to be addressed by staff. Lane concurred and urged staff to immediately contact the bank and advise the Council if there is an issue.

**B. Resolution Approving Publication of Uptown Hamel Ordinance Amendments by Title & Summary**

*Moved by Smith, seconded by Workman, to adopt Resolution No. 04-39 Authorizing Publication of Ordinance No. 368 by Title and Summary. **Motion passed unanimously.***

**X. NEW BUSINESS**

**A. Ordinance Amending Medina City Code Section 805 – Building Code**

Doty presented the draft ordinance amendment to Chapter 1306, Special Fire Protection Systems. He explained the City is requesting an ordinance amendment to adopt Chapter 1306 as an appendix to the Building Code Ordinance. Chapter 1306 has been created as an option for municipalities who wish to have fire prevention regulations above and beyond what the Building Code requires. He explained that it is unlawful for a City to adopt its own standards within an ordinance to determine what types of buildings are to be sprinkled. A city's only option for requiring more restrictive fire prevention regulations is to adopt Chapter 1306.

Zietlow stated he assumes this is only for water and sewer areas. Workman read the ordinance section dealing with areas where utilities are not available and the determination to be made by the Fire Chief. Workman stated his support for this ordinance as drafted.

Doty explained that if a municipality chooses to adopt this chapter, it must first make a City-wide decision whether to apply sprinklering requirements to new buildings or to new and existing buildings. If the City were to choose the option of requiring sprinklering for both new and existing buildings, an addition to any existing building, as well as the existing building itself, would need to be sprinklered. The cost of retrofitting an existing building with a sprinkler system would be extremely costly to any owner and the City would likely receive many requests to appeal. For those reasons, staff recommends the City require sprinklering of new buildings and additions only (not existing buildings).

Doty presented a list of occupancies that require sprinkling, noting they cover all non-residential uses. He stated it is also important to note that if the public water supply is not available or acceptable, other alternate water supply will need to be created to support the system.

Workman asked if the City would want that type of building built where a public water supply is not available. He stated he does not think that would be desirable but the option is available to provide an alternate water supply. Workman noted that the Fire Chief has previously indicated he thinks this amendment is reasonable. Brinkman asked if there is an option to exclude a single-family home. Doty stated if it is over 8,500 square feet it would be required and there is no way to exclude it. Smith stated someone who can afford that size of home will be able to sprinkle it. Zietlow pointed out that the City's fire trucks are not able to handle a fire in that size and type of house. Brinkman stated his concerns with placing this requirement on a residential home and questioned the practical application. Workman stated that there are also health and welfare issues and noted they can build the home and then sell it to someone else. Zietlow stated another concern is the safety of the fire department personnel. Batty emphasized that the City would not have a choice.

*Moved by Workman, seconded by Smith, to adopt Ordinance 369 Amending Sections 805.11 Adoption of Chapter 1306, Special Fire Protection Systems to the Building Code to apply to new buildings and additions only and Option 1 of the Optional occupancy regarding the 8,500 gross square feet provision for residential dwellings. **Motion passed 4-0-1 (Brinkman).***

**B. Resolution Approving Publication of Building Code Ordinance Amendment by Title & Summary**

*Moved by Workman, seconded by Smith, to adopt Resolution No. 04-40 Authorizing Publication of Ordinance No. 369 by Title and Summary. **Motion passed unanimously.***

## **XI. REPORTS**

### **A. City Administrator Report**

Adams stated he has been corresponding with the Metropolitan Council about participation with the Livable Communities Act. He stated that technically the City is to be participating but if the spending of required approximate \$28,000 through can't be justified then he will recommend the City withdraw from that program. He noted that if there are no qualifying projects, then Council should discuss whether they want to continue participation in that program.

Adams requested the Council schedule his performance evaluation since it's been a year since the last one. He asked the Council's opinion about holding this review at the next meeting in July or whether a more formal review should be scheduled in the fall as done with other employees. Zietlow suggested that evaluation forms be provided for the Council to complete. Adams stated he would prefer the July review since it has been a year and is prior to budgeting.

*Council consensus was reached to schedule the City Administrator's review for the July 20, 2004 Council meeting.*

Workman asked whether there will be a quorum at the July 6, 2004 Council meeting. Lane stated he will not be present. Adams asked Council to notify him at the work session next week Tuesday whether there will be a quorum or the July 6, 2004 meeting should be rescheduled.

Adams stated at the work session meeting he will also be asking Council to establish a work session for the 2005 budget.

## **XII. APPROVAL TO PAY THE BILLS**

Workman asked about the Orono Baseball sponsorship and whether the Council has sponsored other such groups. Adams explained it is through the Police Reserve Funds, not the City's general funds.

*Moved by Workman, seconded by Brinkman, to approve the bills, order check numbers 26645-26696 for \$119,033.41, and payroll check numbers 18703-18720 for \$24,573.66. **Motion passed unanimously.***

## **XIII. ADJOURN**

*Moved by Workman, seconded by Brinkman, to adjourn the meeting at 10:43 p.m. **Motion passed unanimously.***

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Philip K. Zietlow, Mayor

Attest:

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Chad M. Adams, City Administrator